IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

INCOME TAX REFERENCE NO. 19 OF 1990

The Commissioner of Income-tax,
Bombay City-V, Bombay. ...Applicant
V/s.
M/s.Aristo Pharmaceuticals Pvt.Ltd. ...Respondent

Mr.Parag Vyas for Applicant.
None for Respondent.

CORAM : V.C. DAGA AND
A.S. AGUIAR, JJ.

DATED : JULY 5, 2005.

P.C. :-

. By this reference under Section 256(1) of the Income-tax Act, 1961, the Income Tax Appellate Tribunal has referred the following question of law for the opinion of this Court :-

"1. Whether, on the facts and in the circumstances of the case, the Tribunal was justified in holding that a sum of Rs.72,000/- paid by the assessee to the L.I.C. for the purchase of the deferred annuity policy on the life of its Managing Director is not a perquisite; rather it is salary and as such the

provisions of section 40(c) and 40A(5) of the Act are to be applied for the allowance of the claim for this payment?"

. The above question is covered by the decision of this Court in the case of **Commissioner of Income Tax V/s. Hico Products Pvt.Ltd. (No.1) (1993) 201 ITR Page 567**. The question referred, therefore, is answered in favour of the Assessee and against the Revenue. Reference, accordingly, stands disposed of with no order as to costs.

(A.S. AGUIAR, J.) **(V.C. DAGA, J.)**